

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GREGORY A. FIGEL #179188,

Plaintiff,

v.

Case No. 2:05-cv-189
HON. ROBERT HOLMES BELL

DANIEL STASEWICH, et al.,

Defendants.

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OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge on March 13, 2007. The Report and Recommendation recommended that Defendants' motion for summary judgment be partially granted and was duly served on the parties. The Court received objections from the Plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

In his objections, Plaintiff contends that the Magistrate Judge erred in recommending that Defendant be granted summary judgment on his claims that Defendants Suardini and Stasewich put poison and foreign objects in his food, his claims that Defendants Rankin, Irvine, Suardini and Seymour placed him in a cell with no ventilation and excessive heat, his claims that Defendants Savera and Charlebois denied his medications, his claim that Defendant Charlebois sexually assaulted him, his claims regarding threats, denial of dental floss and a bad haircut, his claims that Defendants McBurney and Bauman retaliated against him by interfering with his ability to obtain

needed documents, and his due process claims against Defendants Savera, Saurdini, and Miron. However, Plaintiff merely reiterates the assertions made in his complaint, as well as in his response in opposition to the motion for summary judgment. For the reasons set forth in the report and recommendation, these claims are properly dismissed.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge is approved and adopted as the opinion of the court and Defendants' motion for summary judgment (Docket #57) is granted with regard to Plaintiff's claims that Defendants Suardini and Stasewich put poison and foreign objects in his food, his claims that Defendants Rankin, Irvine, Suardini and Seymour placed him in a cell with no ventilation and excessive heat, his claims that Defendants Savera and Charlebois denied his medications, his claim that Defendant Charlebois sexually assaulted him, his claims regarding threats, denial of dental floss and a bad haircut, his claims that Defendants McBurney and Bauman retaliated against him by interfering with his ability to obtain needed documents, and his due process claims against Defendants Savera, Saurdini, and Miron. In addition, Defendant's motion for summary judgment is denied with regard to Plaintiff's claims against Defendants Suardini and Seymour for tampering with his toilet, his retaliation claims against Defendants Bouchard, Stasewich, Savera, Irvine, Johnson, Semasky, Maxon, Suardini, McBurney and Miron for refusing to recommend Plaintiff for placement in the general population, his excessive force claim against Defendant Stasewich, his retaliation claim against Defendant Salter, and his access to courts claims against Defendant Salter, McBurney and Bauman.

Date: March 30, 2007

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE